

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSE LUIS MIRO,

Plaintiff,

v.

ROSEHILL DELI and LORI MIRICANDA,

Defendants.
-----X

ORDER

20 CV 10520 (VB)

On October 20, 2021, the parties in this Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) case filed a settlement agreement (Doc. #16-1) and a letter seeking approval the settlement agreement (Doc. #16), as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) the parties’ position as to the proper valuation of plaintiff’s claims;
- (ii) the risks and costs of continuing to litigate;
- (iii) plaintiff is represented by counsel;
- (iv) the settlement agreement does not contain confidentiality or non-disparagement clauses;
- (v) defendants are paying approximately 70 percent of plaintiff’s total recoverable FLSA damages (unpaid wages and liquidated damages), and there is a bona fide dispute regarding plaintiff’s allegations, insofar as defendants have witnesses (plaintiff’s co-workers) who will dispute plaintiff’s allegations;
- (vi) the parties desire to resolve this action early and avoid the costs and uncertainty associated with drawn-out litigation; and
- (vii) the release set forth in paragraph 5 of the settlement agreement is limited to wage an hour claims that have accrued as of the date of the execution of the settlement agreement.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm’s-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys’ fees, which are one third of the total recovery, plus costs, to be fair and reasonable under the circumstances.

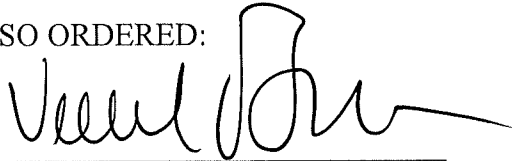
CONCLUSION

Accordingly, the parties' settlement agreement (Doc. 16-1) is APPROVED, and the case is dismissed. The Court will separately sign and docket the stipulation of dismissal.

The Clerk is instructed to close this case.

Dated: October 22, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge